

**EXHIBIT A**

**Subject:** RE: [EXTERNAL] RE: LULAC v. Texas: Deposition Dates

**Date:** Tuesday, May 3, 2022 at 1:01:52 PM Central Daylight Time

**From:** Will Thompson

**To:** Freeman, Daniel (CRT)

**CC:** Jack DiSorbo, Eric Hudson, Courtney Corbello, Mellett, Timothy F (CRT), Sitton, Jaye (CRT), Rupp, Michelle (CRT), Anderson, Jacki (CRT), Lott, Jasmin (CRT), Berlin, Holly (CRT), Nina Perales, Pooja Chaudhuri, Sofia Fernandez Gold, martin.golando@gmail.com, garybledsoe@sbcglobal.net, Chad Dunn, mark@markgaber.com, gainesjesse@ymail.com, Fatima Menendez, noor@scsj.org, SMcCaffity@texttrial.com, quesada@texttrial.com, sserna@maldef.org, Thomas Buser-Clancy, Ashley Harris, rhicks@renea-hicks.com, akhanna@elias.law, abranh@perkinscoie.com, Patrick Sweeten, Taylor Meehan

Dan,

I'm in a deposition, so I'll have to keep this response brief. I appreciate you providing the United States' position on the motion, but I want to clarify that I did not agree with your assertions regarding apex depositions or what you call the *Morgan* doctrine. What I said was that the depositions would be improper regardless of whether we characterize them as apex depositions. To the extent I was unclear, I apologize. We can discuss other issues another time if needed.

Best,  
Will

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**From:** Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>

**Sent:** Tuesday, May 3, 2022 10:01 AM

**To:** Will Thompson <Will.Thompson@oag.texas.gov>

**Cc:** Jack DiSorbo <Jack.DiSorbo@oag.texas.gov>; Eric Hudson <Eric.Hudson@oag.texas.gov>; Courtney Corbello <Courtney.Corbello@oag.texas.gov>; Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Sitton, Jaye (CRT) <Jaye.Sitton@usdoj.gov>; Rupp, Michelle (CRT) <Michelle.Rupp@usdoj.gov>; Anderson, Jacki (CRT) <Jacki.Anderson@usdoj.gov>; Lott, Jasmin (CRT) <Jasmin.Lott@usdoj.gov>; Berlin, Holly (CRT) <Holly.Berlin@usdoj.gov>; Nina Perales <nperales@maldef.org>; Pooja Chaudhuri <pchaudhuri@lawyerscommittee.org>; Sofia Fernandez Gold <sfgold@lawyerscommittee.org>; martin.golando@gmail.com; garybledsoe@sbcglobal.net; Chad Dunn <chad@brazilanddunn.com>; mark@markgaber.com; gainesjesse@ymail.com; Fatima Menendez <fmenendez@maldef.org>; noor@scsj.org; SMcCaffity@texttrial.com; quesada@texttrial.com; sserna@maldef.org; Thomas Buser-Clancy <tbuser-clancy@aclutx.org>; Ashley Harris <aharris@aclutx.org>; rhicks@renea-hicks.com; akhanna@elias.law; abranh@perkinscoie.com; Patrick Sweeten <Patrick.Sweeten@oag.texas.gov>; Taylor Meehan <taylor@consovoymccarthy.com>

**Subject:** RE: [EXTERNAL] RE: LULAC v. Texas: Deposition Dates

Will,

The United States intends to depose Representative Guillen, Representative Landgraf, and Representative Lujan regarding matters relevant to the Section 2 enforcement action that we have brought concerning the Texas House redistricting plan. Section 2 requires the Court to assess the totality of circumstances in the districts Representative Guillen, Representative Landgraf, and Representative Lujan represent, including population patterns, political behavior, the history of discrimination, socioeconomic disparities, campaign tactics, and other matters. See, e.g., *Thornburg v. Gingles*, 478 U.S. 30 (1986). As both elected officials and

candidates, Representative Guillen, Representative Landgraf, and Representative Lujan likely have highly probative information regarding the United States' claims.

During our meet and confer, you appeared to agree that the *Morgan* doctrine does not apply to all 181 members of the Texas Legislature and that the United States does not seek apex depositions at this time. You then merely suggested that Texas legislators should not be subject to depositions in every challenge to state legislation. As you know, the United States did not seek to depose legislators in our current challenge to Texas Senate Bill 1. However, legislators are subject to deposition in statewide redistricting litigation, and the depositions we have sought and will continue to seek are appropriate and permissible under the Federal Rules.

We oppose any motion to quash the United States' subpoenas.

Dan

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**From:** Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>

**Sent:** Monday, May 2, 2022 10:54 PM

**To:** Freeman, Daniel (CRT) <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>

**Cc:** Jack DiSorbo <[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)>; Eric Hudson <[Eric.Hudson@oag.texas.gov](mailto:Eric.Hudson@oag.texas.gov)>; Courtney Corbello <[Courtney.Corbello@oag.texas.gov](mailto:Courtney.Corbello@oag.texas.gov)>; Mellett, Timothy F (CRT) <[Timothy.F.Mellett@usdoj.gov](mailto:Timothy.F.Mellett@usdoj.gov)>; Sitton, Jaye (CRT) <[Jaye.Sitton@usdoj.gov](mailto:Jaye.Sitton@usdoj.gov)>; Rupp, Michelle (CRT) <[Michelle.Rupp@usdoj.gov](mailto:Michelle.Rupp@usdoj.gov)>; Anderson, Jacki (CRT) <[Jacki.Anderson@usdoj.gov](mailto:Jacki.Anderson@usdoj.gov)>; Lott, Jasmin (CRT) <[Jasmin.Lott@usdoj.gov](mailto:Jasmin.Lott@usdoj.gov)>; Berlin, Holly (CRT) <[Holly.Berlin@usdoj.gov](mailto:Holly.Berlin@usdoj.gov)>; Nina Perales <[nperales@maldef.org](mailto:nperales@maldef.org)>; Pooja Chaudhuri <[pchaudhuri@lawyerscommittee.org](mailto:pchaudhuri@lawyerscommittee.org)>; Sofia Fernandez Gold <[sfgold@lawyerscommittee.org](mailto:sfgold@lawyerscommittee.org)>; [martin.golando@gmail.com](mailto:martin.golando@gmail.com); [garybledsoe@sbcglobal.net](mailto:garybledsoe@sbcglobal.net); Chad Dunn <[chad@brazilanddunn.com](mailto:chad@brazilanddunn.com)>; [mark@markgaber.com](mailto:mark@markgaber.com); [gainesjesse@ymail.com](mailto:gainesjesse@ymail.com); Fatima Menendez <[fmenendez@maldef.org](mailto:fmenendez@maldef.org)>; [noon@scsj.org](mailto:noon@scsj.org); [SMcCaffity@texttrial.com](mailto:SMcCaffity@texttrial.com); [quesada@texttrial.com](mailto:quesada@texttrial.com); [sserna@maldef.org](mailto:sserna@maldef.org); Thomas Buser-Clancy <[tbuser-clancy@aclutx.org](mailto:tbuser-clancy@aclutx.org)>; Ashley Harris <[aharris@aclutx.org](mailto:aharris@aclutx.org)>; [rhicks@renea-hicks.com](mailto:rhicks@renea-hicks.com); [akhanna@elias.law](mailto:akhanna@elias.law); [abranh@perkinscoie.com](mailto:abranh@perkinscoie.com); Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Taylor Meehan <[taylor@consovoymccarthy.com](mailto:taylor@consovoymccarthy.com)>

**Subject:** RE: [EXTERNAL] RE: LULAC v. Texas: Deposition Dates

Dan,

Thanks for taking the time to meet and confer about your intention to depose Representatives Guillen, Landgraf, and Lujan. Consistent with your earlier email, we understand that you would like to depose these legislators regarding the house redistricting legislation and that you believe such depositions could implicate numerous matters that you don't believe are privileged—namely, discussing the *Gingles* standard with the legislators. We also understand that you are not interested in alternatives to deposing the legislators at this time.

We think it is most efficient to resolve our disagreement about the propriety of deposing the legislators now (and any applicable limits) in advance of any such depositions. It is our intention to file a motion to quash or modify or a motion for protective order. Can you confirm that you would oppose that motion?

Best,  
Will

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**From:** Freeman, Daniel (CRT) <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>

**Sent:** Monday, May 2, 2022 9:18 AM

**To:** Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>

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**Subject:** RE: [EXTERNAL] RE: LULAC v. Texas: Deposition Dates

Will,

Thanks very much. We can use the following zoom room: <https://www.zoomgov.com/j/16191158462>.

Private Plaintiffs are welcome to join as well of course.

Dan

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**From:** Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>

**Sent:** Monday, May 2, 2022 9:43 AM

**To:** Freeman, Daniel (CRT) <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>; Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>

**Cc:** Jack DiSorbo <[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)>; Eric Hudson <[Eric.Hudson@oag.texas.gov](mailto:Eric.Hudson@oag.texas.gov)>; Courtney Corbello <[Courtney.Corbello@oag.texas.gov](mailto:Courtney.Corbello@oag.texas.gov)>; Mellett, Timothy F (CRT) <[Timothy.F.Mellett@usdoj.gov](mailto:Timothy.F.Mellett@usdoj.gov)>; Sitton, Jaye (CRT) <[Jaye.Sitton@usdoj.gov](mailto:Jaye.Sitton@usdoj.gov)>; Rupp, Michelle (CRT) <[Michelle.Rupp@usdoj.gov](mailto:Michelle.Rupp@usdoj.gov)>; Anderson, Jacki (CRT) <[Jacki.Anderson@usdoj.gov](mailto:Jacki.Anderson@usdoj.gov)>; Lott, Jasmin (CRT) <[Jasmin.Lott@usdoj.gov](mailto:Jasmin.Lott@usdoj.gov)>; Berlin, Holly (CRT) <[Holly.Berlin@usdoj.gov](mailto:Holly.Berlin@usdoj.gov)>; Nina Perales <[nperales@maldef.org](mailto:nperales@maldef.org)>; Pooja Chaudhuri <[pchaudhuri@lawyerscommittee.org](mailto:pchaudhuri@lawyerscommittee.org)>; Sofia Fernandez Gold <[sfgold@lawyerscommittee.org](mailto:sfgold@lawyerscommittee.org)>; Stewart, Michael (CRT) <[Michael.Stewart3@usdoj.gov](mailto:Michael.Stewart3@usdoj.gov)>; [martin.golando@gmail.com](mailto:martin.golando@gmail.com); [garybledsoe@sbcglobal.net](mailto:garybledsoe@sbcglobal.net); Chad Dunn <[chad@brazilanddunn.com](mailto:chad@brazilanddunn.com)>; [mark@markgaber.com](mailto:mark@markgaber.com); [gainesjesse@ymail.com](mailto:gainesjesse@ymail.com); Fatima Menendez <[fmenendez@maldef.org](mailto:fmenendez@maldef.org)>; [noon@scsj.org](mailto:noon@scsj.org); [SMcCaffity@texttrial.com](mailto:SMcCaffity@texttrial.com); [quesada@texttrial.com](mailto:quesada@texttrial.com); [sserna@maldef.org](mailto:sserna@maldef.org); Thomas Buser-Clancy <[tbuser-clancy@aclutx.org](mailto:tbuser-clancy@aclutx.org)>; Ashley Harris <[aharris@aclutx.org](mailto:aharris@aclutx.org)>; [rhicks@renea-hicks.com](mailto:rhicks@renea-hicks.com); [akhanna@elias.law](mailto:akhanna@elias.law); [abbranch@perkinscoie.com](mailto:abbranch@perkinscoie.com)

**Subject:** Re: [EXTERNAL] RE: LULAC v. Texas: Deposition Dates

Dan,

We're available to discuss these issues anytime after 2:30 eastern / 1:30 central today. Thanks for offering to send the Zoom link.

Best,  
Will

Will Thompson  
Deputy Chief, Special Litigation Unit  
Office of the Attorney General  
P.O. Box 12548

Austin, Texas 78711-2548  
(512) 936-2567

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**From:** Freeman, Daniel (CRT) <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>

**Sent:** Monday, May 2, 2022 7:38:35 AM

**To:** Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>

**Cc:** Jack DiSorbo <[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)>; Will Thompson <[Will.Thompson@oag.texas.gov](mailto:Will.Thompson@oag.texas.gov)>; Eric Hudson <[Eric.Hudson@oag.texas.gov](mailto:Eric.Hudson@oag.texas.gov)>; Courtney Corbello <[Courtney.Corbello@oag.texas.gov](mailto:Courtney.Corbello@oag.texas.gov)>; Mellett, Timothy F (CRT) <[Timothy.F.Mellett@usdoj.gov](mailto:Timothy.F.Mellett@usdoj.gov)>; Sitton, Jaye (CRT) <[Jaye.Sitton@usdoj.gov](mailto:Jaye.Sitton@usdoj.gov)>; Rupp, Michelle (CRT) <[Michelle.Rupp@usdoj.gov](mailto:Michelle.Rupp@usdoj.gov)>; Anderson, Jacki (CRT) <[Jacki.Anderson@usdoj.gov](mailto:Jacki.Anderson@usdoj.gov)>; Lott, Jasmin (CRT) <[Jasmin.Lott@usdoj.gov](mailto:Jasmin.Lott@usdoj.gov)>; Berlin, Holly (CRT) <[Holly.Berlin@usdoj.gov](mailto:Holly.Berlin@usdoj.gov)>; Nina Perales <[nperales@maldef.org](mailto:nperales@maldef.org)>; Pooja Chaudhuri <[pchaudhuri@lawyerscommittee.org](mailto:pchaudhuri@lawyerscommittee.org)>; Sofia Fernandez Gold <[sfgold@lawyerscommittee.org](mailto:sfgold@lawyerscommittee.org)>; Stewart, Michael (CRT) <[Michael.Stewart3@usdoj.gov](mailto:Michael.Stewart3@usdoj.gov)>; [martin.golando@gmail.com](mailto:martin.golando@gmail.com) <[martin.golando@gmail.com](mailto:martin.golando@gmail.com)>; [garybledsoe@sbcglobal.net](mailto:garybledsoe@sbcglobal.net) <[garybledsoe@sbcglobal.net](mailto:garybledsoe@sbcglobal.net)>; Chad Dunn <[chad@brazilanddunn.com](mailto:chad@brazilanddunn.com)>; [mark@markgaber.com](mailto:mark@markgaber.com) <[mark@markgaber.com](mailto:mark@markgaber.com)>; [gainesjesse@ymail.com](mailto:gainesjesse@ymail.com) <[gainesjesse@ymail.com](mailto:gainesjesse@ymail.com)>; Fatima Menendez <[fmenendez@maldef.org](mailto:fmenendez@maldef.org)>; [noon@scsj.org](mailto:noon@scsj.org) <[noon@scsj.org](mailto:noon@scsj.org)>; [SMcCaffity@texttrial.com](mailto:SMcCaffity@texttrial.com) <[SMcCaffity@texttrial.com](mailto:SMcCaffity@texttrial.com)>; [quesada@texttrial.com](mailto:quesada@texttrial.com) <[quesada@texttrial.com](mailto:quesada@texttrial.com)>; [sserna@maldef.org](mailto:sserna@maldef.org) <[sserna@maldef.org](mailto:sserna@maldef.org)>; Thomas Buser-Clancy <[tbuser-clancy@aclutx.org](mailto:tbuser-clancy@aclutx.org)>; Ashley Harris <[aharris@aclutx.org](mailto:aharris@aclutx.org)>; [rhicks@renea-hicks.com](mailto:rhicks@renea-hicks.com) <[rhicks@renea-hicks.com](mailto:rhicks@renea-hicks.com)>; [akhanna@elias.law](mailto:akhanna@elias.law) <[akhanna@elias.law](mailto:akhanna@elias.law)>; [abbranch@perkinscoie.com](mailto:abbranch@perkinscoie.com) <[abbranch@perkinscoie.com](mailto:abbranch@perkinscoie.com)>

**Subject:** Re: [EXTERNAL] RE: LULAC v. Texas: Deposition Dates

Good Morning Patrick,

The United States intends to address matters relevant to our discriminatory results claims regarding the districts represented by these Representatives, as well as regional and statewide aspects of these claims. I understand you and your colleagues to be familiar with the *Gingles* standard, but additional information is available here: <https://www.justice.gov/crt/section-2-voting-rights-act>. We do not intend to delve into matters covered by bona fide assertions of legislative privilege.

My Thursday morning email indicated that the United States would be available this morning between 9-10 EST, not at 10 EST. Moreover, I did not hear back from you until early this morning and scheduled another matter during the 9-10 window. I can consult with my team regarding updated availability, but this afternoon now appears to be generally open, given that I will no longer be headed to College Station. Please let me know a time that will work for your team, and I will provide a zoom link.

To clarify, the United States intends to depose Representatives Guillen, Lujan, and Landgraf at this time. We welcome the opportunity to discuss the Representatives' availability.

Dan

Daniel J. Freeman  
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On May 2, 2022, at 4:45 AM, Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)> wrote:

Dan,

Adding Will Thompson to this correspondence, as he was apparently not included.

Thank you,

Patrick

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**From:** Patrick Sweeten

**Sent:** Monday, May 2, 2022 3:43 AM

**To:** 'Freeman, Daniel (CRT)' <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>; Jack DiSorbo  
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**Subject:** RE: LULAC v. Texas: Deposition Dates

Dan,

Thanks for your email.

Can you elaborate on the “numerous matters” you indicate you intend to cover?

Additionally, based on your initial description, it appears there is a strong probability the United States intends to pose questions that call for information protected by the legislative privilege. The United States’ claims relate to the design and content of redistricting legislation regarding the Texas House districts, and you are seeking to depose sitting representatives ostensibly for that purpose. In fact, when your co-plaintiffs took Senator Huffman’s deposition in *Brooks*, information protected by the legislative privilege was sought shortly after the deposition began. Thus, we would request additional information and specificity regarding the areas of inquiry.

Additionally, we are unclear based on your messages which three representatives you are seeking to depose. You have said three and then below you name Guillen, Lujan, Murr and Landgraf. Please let us know.

Given the concerns above, our attorneys can meet Monday at 10:00 am EST, as you suggested, to discuss.

Best regards,

Patrick

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**From:** Freeman, Daniel (CRT) <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>  
**Sent:** Thursday, April 28, 2022 7:33 AM  
**To:** Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Jack DiSorbo <[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)>  
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**Subject:** RE: LULAC v. Texas: Deposition Dates

Patrick,

Thank you for your email. The United States intends to depose Representative Guillen, Representative Lujan, and Representative Murr on topics pertinent to the Voting Rights Act enforcement action we have brought against the 2021 Texas House Plan, as well as any defenses you may assert in this matter. Such topics encompass numerous matters over which any common law state legislative privilege applicable in federal courts does not apply.

We do not envision alternatives to conducting legislator depositions in this matter, but we would be happy to meet and confer regarding this issue either tomorrow afternoon or Monday between 9 and 10 EST. Schedules are quite packed as we near the close of discovery in SB 1, as I'm sure you can understand.

Regards,

Dan Freeman

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**From:** Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>

**Sent:** Wednesday, April 27, 2022 9:09 PM

**To:** Freeman, Daniel (CRT) <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>; Jack DiSorbo <[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)>

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**Subject:** [EXTERNAL] RE: LULAC v. Texas: Deposition Dates



Dan,

Representatives Guillen, Landgraf, and Lujan, whom you state you have subpoenaed and/or intend to subpoena for a deposition, have and will continue to assert legislative privilege and any other applicable privileges and immunities. When legislative privilege issues arose during the preliminary injunction hearing, the Court already ruled that questioning of a testifying legislator would be limited to matters “within the public record” unless a particular legislator chose to waive her legislative privilege. PI Tr. 152:1-5 (Vol. 5). Thus, I do not see the basis for subjecting myriad sitting legislators to endless questioning.

If, consistent with the Court’s ruling, your intent is to ask about what is “within the public record”—readily available to plaintiffs and the public at large—I am certain we could work together to find less obtrusive alternatives to deposing sitting legislators. In short, can you please advise what relevant, non-privileged information you believe warrant depositions of sitting legislators? I am happy to meet and confer on this issue sometime next week.

Let me know what day may work for such a meeting.

Best Regards,

Patrick K. Sweeten

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**From:** Freeman, Daniel (CRT) <[Daniel.Freeman@usdoj.gov](mailto:Daniel.Freeman@usdoj.gov)>

**Sent:** Wednesday, April 27, 2022 9:56 AM

**To:** Patrick Sweeten <[Patrick.Sweeten@oag.texas.gov](mailto:Patrick.Sweeten@oag.texas.gov)>; Jack DiSorbo <[Jack.DiSorbo@oag.texas.gov](mailto:Jack.DiSorbo@oag.texas.gov)>

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**Subject:** LULAC v. Texas: Deposition Dates

Patrick and Jack,

The United States intends to subpoena Representative John Lujan and Representative Brooks Landgraf for depositions in relation to LULAC v. Texas. Please provide dates that will work for the Representatives between May 18 and May 27, as well as whether your office will make them available in Austin or elsewhere.

Thank you,

Dan

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